



**MEMORANDUM**

RE: Guide to Brown Act Requirements for Teleconferencing

Beginning March 1, 2023, the City Council and Commissions in the City will be required to attend meetings in person, because the California COVID-19 State of Emergency ended on February 28, 2023. The public will be able continue to participate in meetings as they have been, both in person and remotely via Zoom. The City Council may take advantage of the more limited teleconferencing provisions than those that were in place during the COVID-19 State of Emergency. However, *the Los Altos Commission Handbook (“Handbook”) specifically forbids Commissioners from teleconferencing*. As a result, Commissioners must currently participate in person and do not have an option to teleconference under any scenario. If the City Council chooses to amend the Handbook to allow Commissions to teleconference, Commissioners may utilize the traditional Brown Act teleconferencing provision or AB 2449 if they wish to participate remotely.

**Key Differences Between the Traditional Brown Act Teleconferencing Provision and AB 2449**

<i>Traditional Brown Act Teleconferencing</i>	<i>AB 2449</i>
Location Commissioner is teleconferencing from <u>must be open</u> to the public.	Location Commissioner is teleconferencing from is <u>not open</u> to the public.
Commissioner participating remotely may participate through <u>audio, video, or both</u> .	Commissioner participating remotely must participate via <u>audio and video</u> .
Commission does not have to provide public with any additional ways to participate remotely.	Public must be able to participate both via <u>audio and video</u> ; and <u>in person</u> .
<u>No limit</u> on number of times a Commissioner can teleconference.	Commissioner may not participate remotely for <u>3 consecutive months</u> or <u>20% of meetings</u> . Only <u>two “just causes”</u> can be provided in one year.
A Commission <u>elects</u> to use teleconferencing.	A Commissioner <u>provides</u> a “just cause.” A Commissioner <u>requests</u> to participate remotely due to an “emergency circumstance.”
Quorum of Commissioners must participate from within the City.	Quorum of Commissioners must participate in <u>one physical location</u> within the City.
Votes <u>must be</u> taken by rollcall.	Votes <u>not required</u> to be taken by rollcall.
Public must have the opportunity to address a teleconferencing Commission directly.	

**Requirements to Teleconference under the Traditional Brown Act Provision**

A Commission may *elect* to use teleconferencing under the traditional Brown Act provision, if:

- Agendas are posted at all teleconferencing locations.
- Each teleconferencing location is identified in the meeting notice and agenda.
- Each teleconferencing location is open and accessible to the public.

- A quorum of the Commissioners participates from locations within the City.
- All votes must be taken by rollcall.

When teleconferencing under the traditional Brown Act provision, a Commissioner can participate through audio, video, or both audio and video. Additionally, a Commissioner does not have to provide a reason for teleconferencing under this provision.

### **Requirements to Teleconference under AB 2449**

A Commissioner may teleconference into a meeting under AB 2449 if the Commissioner notifies the Commission of a “just cause” or requests to participate remotely due to “emergency circumstances.”

- “Just cause” is defined to include caregiving of a family member, having a contagious illness, having a mental or physical disability, or traveling on official business.
  - Can only provide two “just causes” per calendar year.
- “Emergency circumstances” is defined to include physical or family medical emergencies.
  - Need separate request for each remote appearance.
  - Commission can approve the request to participate remotely by majority vote.

If a Commissioner is able to participate remotely after providing a “just cause” or “emergency circumstance”, the Commissioner must:

- Disclose whether anyone over the age of 18 is in the room during the meeting.
- Participate through video *and* audio.
- Not participate remotely for 3 consecutive months, 20% of meetings in a calendar year, or 2 meetings if the Commission meets less than 10 times a year.

If a Commission is holding a hybrid meeting under AB 2449, the Commission must:

- Provide the public with the ability to participate remotely through an audio-visual medium, in addition to participating in person, and provide notice on how to do so.
- Have at least a quorum of the Commissioners in a single physical location in the City which is identified in the agenda and open to the public.